

ASSEMBLY BILL

No. 1327

Introduced by Assembly Member Tran

February 22, 2005

An act to amend Sections 25514.5 and 25526.5 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1327, as introduced, Tran. Hazardous materials: accidental release prevention program.

(1) Existing law requires businesses that handle hazardous materials to prepare a business plan and submit an annual inventory form to the administering agency and provides for the imposition of civil penalties upon a business that violates those requirements. Existing law requires the issuance of an enforcement order or the imposition of an administrative penalty by an administering agency to be conducted using the administrative penalty procedures required to be followed by a Certified Unified Program Agency.

This bill would make conforming changes with regard to the setting of those civil penalties to delete a reference to the setting of the amount of the penalty by the governing body of the administering agency.

(2) Existing law imposes duties upon stationary sources with regard to the program to prevent accidental releases of regulated substances and requires a business to comply with these requirements in a specified manner.

This bill would make technical, conforming changes with regard to requiring a person or stationary source to comply with those requirements in that manner.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25514.5 of the Health and Safety Code
2 is amended to read:

3 25514.5. (a) Notwithstanding Section 25514, any business
4 that violates this article is liable to an administering agency for
5 an administrative penalty, ~~in an amount which shall be set by the~~
6 ~~governing body of the administering agency,~~ but not greater than
7 two thousand dollars (\$2,000) for each day in which the violation
8 occurs. If the violation results in, or significantly contributes to,
9 an emergency, including a fire or health or medical problem
10 requiring toxicological, health, or medical consultation, the
11 business shall also be assessed the full cost of the county, city,
12 fire district, local EMS agency designated pursuant to Section
13 1797.200, or poison control center as defined by Section
14 1797.97, emergency response, as well as the cost of cleaning up
15 and disposing of the hazardous materials, or acutely hazardous
16 materials.

17 (b) Notwithstanding Section 25514, any business that
18 knowingly violates this article after reasonable notice of the
19 violation is liable for an administrative penalty, ~~in an amount~~
20 ~~which shall be set by the governing body of the administering~~
21 ~~agency,~~ but not greater than five thousand dollars (\$5,000) for
22 each day in which the violation occurs.

23 (c) When an administering agency issues an enforcement order
24 or assesses an administrative penalty, or both, for a violation of
25 this article, the administering agency shall utilize the
26 administrative enforcement procedures specified in Sections
27 25404.1.1 and 25404.1.2.

28 SEC. 2. Section 25536.5 of the Health and Safety Code is
29 amended to read:

30 25536.5. (a) ~~Any business which~~ *person or stationary source*
31 *that* was required to prepare, submit, and implement a risk
32 management and prevention program pursuant to this article as it
33 read on December 31, 1996, and ~~which~~ *that* is required to prepare
34 and submit an RMP pursuant to this article; shall continue to
35 implement the risk management and prevention program until the

1 ~~business~~ *person or stationary source* has submitted an RMP as
2 specified in this article.

3 (b) Any ~~business~~ *person or stationary source* that was
4 required to prepare, submit, and implement a risk management
5 and prevention program pursuant to this article as it read on
6 December 31, 1996, and ~~which~~ *that* is not required to prepare an
7 RMP pursuant to this article is required to comply only with
8 those requirements of this chapter that apply to the ~~business~~
9 *person or stationary source*.

10 (c) Any *person or stationary source* ~~which~~ *that* was not
11 required to prepare, submit, and implement a risk management
12 and prevention program pursuant to this article as it read on
13 December 31, 1996, but ~~which~~ *that* is required to prepare and
14 submit an RMP pursuant to this article, shall submit and
15 implement an RMP not later than the deadlines specified in
16 Subpart A (commencing with Section 68.1) of Part 68 of
17 Subchapter C of Chapter ~~7~~ *1* of Title 40 of the Code of Federal
18 Regulations.